

**Report and Recommendations**  
**Beverly Hills General Plan**  
**Community Processes Committee**

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## **EXECUTIVE SUMMARY**

Our principal effort was to review the process for handling development projects submitted to the City by developers and homeowners, and make recommendations to improve it.

Among other recommendations, we believe the process should be more credible and open to residents. It must emphasize greater community involvement and include early outreach and public notice of pending development, easier access to information, mechanisms for problem solving and dispute resolution, and achievement of resolution in a timelier manner.

We evaluated recent project case studies and identified areas where the current development process could be improved, including encouraging developers to better inform residents and get their input.

We also solicited and received feedback from the community, other General Plan Committees, Planning and Building and Safety staff, the City Attorney, Planning Commission and staff of other communities.

Our Committee sought to make the processes by which our city government addresses matters brought before it by residents, other stakeholders and by interested organizations:

1. Less burdensome to the public, City elected and appointed officials and staff.
2. More rational.
3. More open.
4. More credible to the residents.
5. Revenue neutral to the City (costs of processing private matters borne by applicants and appellants, not the City).

We cannot stress enough that residents must feel their input has been heard. The development process needs better communication. We offer detailed recommendations in the following report. We also offer our resources to monitor the impact of the community process program the City Council adopts and make recommendations as appropriate.

## **INTRODUCTION**

Although General Plans do not require a Community Processes Section, the City Council believed that the General Plan update effort was an excellent opportunity for community members to examine the City's public processes and develop recommendations to improve them. This committee's focus was the private development process.

Through the evaluation of case studies and review of other materials, we identified what we considered to be areas where the current development process could be improved. We developed a set of goals we believe must be met for a public process to achieve due process and reach consensus. Then, within this framework, we developed and refined the components of what we believe should be a meaningful and successful public process focusing on outreach and consensus-building from the earliest possible point.

Our principal effort was to review the process for handling building projects that are submitted to the City by developers and homeowners, and make recommendations for improving it.

## **COMMITTEE CHARGE**

The City Council charge to the Community Processes Committee mandated that it familiarize itself with the basic processes for municipal decision-making and opportunities for public participation in those processes. The Charge included taking into consideration the context of the community's existing practices, exploration of areas where consensus has been difficult to achieve, and to address how the consensus-building process might be improved. The Committee was also asked to consider how the community-at-large and decision-makers could most appropriately respond when consensus appears unlikely. At a minimum, the Committee was asked to include in its discussion:

- Varying community values
- Implementation of the General Plan
- Noticing requirements and practices
- Participation by the community in the decision-making process
- Role of the Commissions
- Development Project reviews
- Identification of issues where community consensus does or does not exist

Our committee conducted a thorough review of the process by which the City addresses development projects and related participation by the public. We considered the needs and interests of residents and other interested parties in the City.

## **EDUCATIONAL PROCESS**

We participated in the three all-Committee briefing sessions and have met eighteen times as a committee. We reviewed several local development case histories, and development policies and procedures. Guest speakers provided us with information on development policies, practices (including public policy dispute resolution) and fee schedules in neighboring California communities. We reviewed information about the impact of California law on the development process, and City Council, Planning Commission and staff's prescribed roles and actual roles in processing development applications. In addition, we studied the fee structure of applications and appeals in neighboring communities.

We also solicited and received written and oral feedback from residents, members of other General Plan Committees, Planning and Building and Safety staff, the City Attorney and the Chair and Vice Chair of the Planning Commission.

## **COMMUNITY OUTREACH**

Staff presentations were made to the City Manager's Monthly Neighborhood Meetings which include representatives from homeowner associations, the Municipal League and other community "activists," and the Chamber of Commerce Government Affairs Committee. Community outreach was sought by circulation of a questionnaire at the Farmers Market. Suggestions received were incorporated into the framework of our recommendations.

## **GOALS OF THE RECOMMENDED DEVELOPMENT PUBLIC PROCESSES**

Due to the complexity of the issues associated with the development process, we concentrated on recommendations related to this process. In order to enhance stakeholders' and interested parties' trust in the integrity of this process, we recommend that it must include the following assurances:

- Provide fair, early outreach and notice of pending development projects.
- Convenient and equal access to information.

- Mechanism for problem-solving and dispute resolution.
- Achievement of resolution in a timely manner.

The following summarizes the importance of these components in the public process:

- **Provide fair, early outreach and notice.**  
Despite providing legally required public notice of development proposals and related activities, City Council, Commissioners and staff receive complaints about noticing procedures. Major developers should be encouraged to be proactive in public outreach and obtaining public input prior to formal submission of applications.

We believe mere adherence to the legal requirements is inadequate. We recommend newspaper notices be published at the earliest possible opportunity. Notices to all interested parties should be mailed in distinctive envelopes highlighting the importance of the information. Notices should also be emailed to those who request this. The City must endeavor to keep all contact information current. All notices should be written in colloquial English, not "legalese." Notices should contain information about the project, designated City and developer contacts and inform the community how staff reports may be obtained.

We also recommend that mailing radii exceed legal requirements and not cut off at mid-block addresses. Notices posted at proposed project sites must be weatherproofed, large enough to draw attention and contain detailed project and referral information.

- **Convenient and equal access to information**  
The community must be afforded timely access to all pertinent information about a proposed project and/or the process. When this does not occur, misinformation may fill the vacuum. We recommend that a project "Fact Sheet" be developed by staff early and updated frequently directing interested parties to all available information. It should be included in all mailings and notices, and posted on the City's website. The City's website should also contain a glossary of planning terms.

We recommend that developers be encouraged to be more proactive in early community outreach, even at the conceptual stage. The City should encourage developers to establish a project website. Neighborhood meetings may be sponsored either by the developer or the City and staff reports should be readily available prior to any meetings.

We believe the community must be advised early as to Codes, standards, procedures and what the allowable alternatives to a proposed development are under the City's existing Municipal Code. Dialogue should be encouraged.

- **Mechanism for problem-solving and dispute resolution**

In order to foster and enhance the credibility of the decision-making process, the City Council may wish to consider the use of trained local mediators or outside consultants. Planning staff members are undermined as neutral parties as they must develop a position with respect to project applications. The project applicant should cover the costs of a third party facilitator.

Use of a professionally trained staff facilitator who coordinates activities but who does not make recommendations was also supported. The project evaluation must consider relevant precedent, CEQA guidelines, current Code and requested Code amendments, and how the project will maintain the City's image.

Where appropriate and not in violation of the Brown Act, City Councilmembers and Planning Commissioners should attend but not participate in outreach meetings.

We cannot stress enough that the community must feel their input has been heard often. The three minute public comment period at public hearings should not be a one size fits all rule. Written public comment should be encouraged and the written record made available upon request. Formal actions taken by a decision-making body should be mailed to all interested parties and include the reasons/findings for the action. This feedback loop is critical. We believe that in the future, the internet will resolve many communication shortcomings.

- **Achieve resolution in a timely manner.**

Residents and developers both complain about the length of the public process. We agree that efforts must be made to expedite the public process but recognize that legal requirements such as noticing procedures, participation by decision-makers and scheduling of public hearings impact timing. However, if the process is responsive to the community's concerns, we believe the process would be shorter and there would be fewer appeals.

## **COMPONENTS OF THE RECOMMENDED PUBLIC PROCESS**

In addition to continuing the established City Manager's Monthly Neighborhood Meetings to engage in dialogue and address issues arising in pending development projects, we recommend the following public process elements to provide the community with a framework to meet the required assurances:

- While not required, generally developers meet with staff while the project is in the conceptual stage to obtain anecdotal information related to the site or similar projects, determine Code requirements and identify potential discretionary actions. It is recommended that this practice be encouraged.
- The project applicant, with the assistance of City staff must identify and contact those members of the community who are "stakeholders," i.e., interested parties including residents/businesses who inform the City of their interest in the proposed development.
  - Stakeholders will vary depending on the type, size and location of a project. Different project-specific lists of interested parties must be maintained.
  - In order to develop the most comprehensive list of interested parties, applicants should be encouraged to communicate with interested community members, as well as community groups, as early as practical by use of a mailing which exceeds legally required noticing protocol. The mailing should provide project information and methods for obtaining ongoing information, (e.g., City's website, project website, etc.) and include a response card to be returned by interested parties to ensure inclusion in the project email, fax and/or U.S. mail distribution list. Depending on the nature and scope of a

proposal, applicants should be encouraged to consider at least one citywide mailing.

- The list must be reviewed and updated frequently by City staff. This is critical to the outcome as it demonstrates the City's commitment to community input.
- Currently, the applicant meets with staff prior to submitting a project application to determine compliance with Code and identify discretionary action(s) if needed. We recommend that the application not be formally submitted until the applicant has provided an opportunity for interested parties to comment on the proposal. A detailed report of outreach efforts and the record of the comments should be required as part of the application package.
- Applications should not be formally accepted until staff has reviewed the community feedback and the applicant has been provided an opportunity to make modifications based on community and staff input.
- Outreach should include public meetings with visual materials when possible. When appropriate, the applicant may consider holding meetings at the proposed project site. Written input should be encouraged and made available upon request.
- Once the application has been formally submitted, if the project does not require an Environmental Impact Report (EIR) we recommend that a widely noticed community meeting be scheduled by City staff to obtain feedback on the project first-hand. This meeting would be in lieu of and similar to the scoping meeting required as part of the EIR process. Feedback on the project received to date should be referenced in the project "Fact Sheet" included in the meeting notice and on the City's website.
- We recommend that all project information be posted on the City's website ([www.beverlyhills.org](http://www.beverlyhills.org)) and that a project email address be established. This information should be included with all noticing materials. The website should include the project application, the "Fact Sheet," and all written comment received.



- Findings of the environmental review determination should be included in a notice mailed to interested parties and posted on the City's website, along with upcoming future process events and deadlines.
- We recommend that a meeting facilitated by a neutral professional familiar with our community's issues be scheduled to outline any points where compromise may be considered based on the environmental evaluation and stakeholder concerns. Since it is permissible under California law for decision-makers to attend as observers but not participate in meetings pertaining to proposed projects, we encourage Planning Commission and City Council attendance at this meeting and any others that serve the public interest. As at prior meetings, the written "Fact Sheet" summarizing prior activities and issues raised should be available and written public input encouraged.
- All Planning Commission hearings should be televised and tapes made available to interested parties.
- We recommend that the notice of the Planning Commission's public hearing(s) include staff's recommendation and the "Fact Sheet" of actions and input to date. The city's website should contain more detailed project information and direct the public to additional project resources, including phone numbers and email addresses.
- We recommend that notice of the Commission's action with supporting documentation be posted, mailed to all interested parties and placed on the City's website.
- If the action is appealed, we recommend scheduling a meeting that includes liaisons from the Planning Commission and City Council, stakeholders and the original neutral facilitator to attempt conflict resolution. We also recommend that appellants be encouraged to meet with staff prior to this meeting to be provided an opportunity to review the project file so they are aware of all the information on the project that is available.
- The majority of the Committee recommends that the appellant be encouraged to furnish the City Council with an audiotape, videotape or transcription of the Planning Commission public hearing proceedings. (A minority recommended that this should be *required*.) Since the City

Council review is a de novo hearing, this would enable the City Council to review the actual testimony and the Commission's analysis.

- We also recommend the appeal fee structure be increased to a level that more nearly compensates the City for the actual costs of the appeal process and comparable to what is being charged in neighboring communities. In order to ensure that the increased fee structure does not limit anyone's right of appeal, we support retaining the option for any Council member to initiate an appeal at no cost to the City. This provides an option for appellants who cannot afford an increased fee structure to present a case for a Councilmember to initiate an appeal on their behalf.
- To more effectively present issues of concern to the Council, we recommend encouraging written comment and limiting verbal comment to stakeholder representatives where possible.
- When it is known there will be a large public turn-out for an appeal hearing, it is recommended the City Council schedule the hearing for 7:00 p.m., and dedicate the meeting to the hearing matter alone. Those unable to attend may comment by letter, email or phone call. If the hearing cannot be concluded by 11:00 p.m., it should be continued to another date.
- The Council's action and report should be distributed to interested parties and posted on the City's website.

The preceding recommendations pertain to private development projects. We recommend that a separate process be established for those projects developed or co-developed by the City.

We offer our resources to monitor the impact of the community process program the Council adopts and make recommendations as appropriate.

## **RESOURCES THAT MAY BE REQUIRED TO IMPLEMENT**

All of our recommendations are intended to be revenue neutral. It is anticipated that increased financial costs associated with an expanded public outreach will be absorbed by project applicants and appellants. (For example, postage alone for a citywide mailing is at least \$5,500.) There will be City costs associated with developing and maintaining current interested parties contact information for each project proposed. There will be additional staffing and materials costs resulting from the increased written material and meetings. There will be costs

associated with televising Planning Commission meetings. However, it is our goal that these costs will be significantly off-set by the time savings resulting from the improved process.

## **CONCLUSION**

We believe that the development process needs increased opportunities for communication and offer the above recommendations to achieve this goal.

FLOWCHART TO BE INSERTED  
**HERE**

## **LIST OF APPENDICES**

### Agendas and Meeting Notes

### Community Outreach

### Educational Materials

- Glossary of Planning and Zoning Terms
- Review Process: Mixed-Use Project on Wilshire
- List of Standard Conditions - Beverly Hills Planning Commission
- Beverly Hills Planning Fee Schedule
- Appeal Fee Cost Analysis for Southern California Cities
- City of Beverly Hills Permit Application Form (Sample-Open Air Dining)

### Case Studies and Exercises

- Lexus (9217 Wilshire Boulevard)
- Triangle/Gateway (Gelson's Project)
- Montage Hotel and Public Garden
- Flowcharts